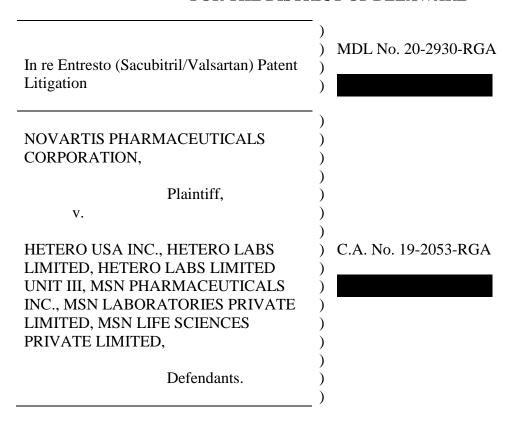
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE



NOVARTIS'S AND HETERO'S JOINT MOTION TO VACATE JUDGMENT AS TO HETERO PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 62.1 AND 60(b), AND ENTER CONSENT JUDGMENT AND ORDER OF INJUNCTION

Pursuant to Federal Rules of Civil Procedure 62.1 and 60(b), Plaintiff Novartis

Pharmaceuticals Corporation ("Novartis") and Defendants Hetero USA Inc., Hetero Labs

Limited, and Hetero Labs Limited Unit III (collectively, "Hetero"), respectfully request that this

Court enter an order vacating the following orders entered on the docket in MDL No. 20-2930
RGA and Civil Action No. 19-2053-RGA as applicable to Novartis's claims against Hetero: (1)

the July 7, 2023 opinion invalidating U.S. Patent No. 8,101,659 ("the '659 Patent") (MDL No.

20-2930-RGA, D.I. 1099; C.A. No. 19-2053-RGA, D.I. 402) and (2) the July 21, 2023 '659

Patent Judgment (MDL No. 20-2930-RGA, D.I. 1120; C.A. No. 19-2053-RGA, D.I. 406). The

[Proposed] Order of Vacatur is attached as Exhibit A (*see also* MDL No. 20-2930-RGA, D.I. 1376).

On June 21, 2024 this Court entered an order (*id.*, D.I. 1394) stating that, if the Federal Circuit were to grant a limited remand of appeal Nos. 23-2218 and 23-2221 (as to Hetero only), it would enter the [Proposed] Order of Vacatur attached as Exhibit A. On July 30, 2024, the Federal Circuit remanded appeal Nos. 23-2218 and 23-2221 (as to Hetero only) to allow this Court to vacate the above-referenced documents.

WHEREFORE, Novartis and Hetero jointly respectfully request, pursuant to Federal Rules of Civil Procedure 62.1 and 60(b), that this Court grant Novartis's and Hetero's joint motion to vacate the following orders entered on the docket in MDL No. 20-2930-RGA and Civil Action No. 19-2053-RGA as applicable to Novartis's claims against Hetero: (1) the July 7, 2023 opinion invalidating the '659 Patent (MDL No. 20-2930-RGA, D.I. 1099; C.A. No. 19-2053-RGA, D.I. 402) and (2) the July 21, 2023 '659 Patent Judgment (MDL No. 20-md-2930-RGA, D.I. 1120; C.A. No. 19-2053-RGA, D.I. 406).

Respectfully submitted,

Dated July 31, 2024

MCCARTER & ENGLISH LLP

SMITH, KATZENSTEIN, & JENKINS LLP

/s/ Daniel M. Silver

Daniel M. Silver (No. 4758) Alexandra M. Joyce (No. 6423) Renaissance Centre 405 N. King Street, 8th Floor Wilmington, Delaware 19801 (302) 984-6300 dsilver@mccarter.com ajoyce@mccarter.com /s/ Daniel A. Taylor
Neal C. Belgam (No. 2721)
Daniel A. Taylor (No. 6934)
1000 West Street, Suite 1501
Wilmington, DE 19801
(302) 652-8400
nbelgam@skjlaw.com
dtaylor@skjlaw.com

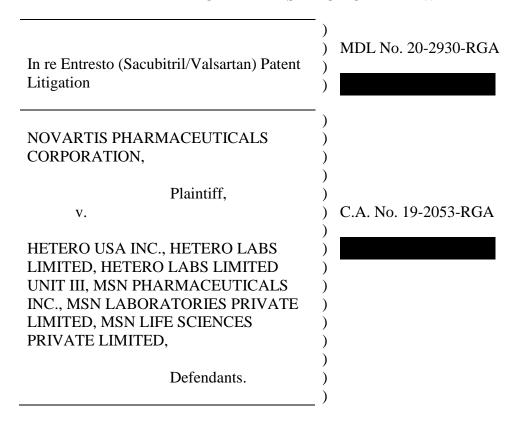
Nicholas N. Kallas Christina Schwarz Jared L. Stringham Christopher E. Loh Susanne L. Flanders Melinda R. Roberts Shannon K. Clark Laura K. Fishwick Gregory J. Manas **VENABLE LLP** 151 West 42nd Street New York, New York 10036 nkallas@venable.com cschwarz@venable.com ilstringham@venable.com cloh@venable.com slflanders@venable.com mrroberts@venable.com skclark@venable.com lfishwick@venable.com gjmanas@venable.com

Attorneys for Plaintiff Novartis Pharmaceuticals Corporation Dmitry V. Shelhoff
Kenneth S. Canfield
Edward D. Pergament
Julia S. Kim
PERGAMENT &CEPEDA LLP
25A Hanover Road, Suite 104
Florham Park, NJ 07932
(973) 998-7722
dshelhoff@pergamentcepeda.com
kcanfield@pergamentcepeda.com
epergament@pergamentcepeda.com
jkim@pergamentcepeda.com

Attorneys for Defendants Hetero USA Inc., Hetero Labs Limited, and Hetero Labs Limited Unit III

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE



[PROPOSED] ORDER

THIS MATTER having been moved, jointly, by attorneys for Plaintiff Novartis

Pharmaceuticals Corporation ("Novartis") and Defendants Hetero USA Inc., Hetero Labs

Limited, and Hetero Labs Limited Unit III (collectively, "Hetero"), and the Court having

considered all papers submitted in support of this motion and for good cause shown;

The Court hereby vacates the following orders entered on the docket in MDL No. 20-2930-RGA and Civil Action No. 19-2053-RGA as applicable to Novartis's claims against Hetero: (1) the July 7, 2023 opinion invalidating U.S. Patent No. 8,101,659 ("the '659 Patent") (MDL No. 20-2930-RGA, D.I. 1099; C.A. No. 19-2053-RGA, D.I. 402) and (2) the July 21,

2023 '659 Patent Judgment (MDL No. 20-2930-RGA, D.I. 1120; C.A. No. 19-2053-RGA, D.I.		
406).		
	IT IS SO ORDERED.	
	Dated:	
		United States District Judge